

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

Mr. LOTT. I announce that the Senator from Oklahoma (Mr. NICKLES) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 75 Leg.]

#### YEAS—97

Akaka	Dorgan	Lugar
Allard	Dubin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Reed
Boxer	Graham	Reid
Breaux	Gramm	Roberts
Brownback	Grassley	Rockefeller
Bunning	Gregg	Santorum
Burns	Hagel	Sarbanes
Byrd	Harkin	Schumer
Campbell	Hatch	Sessions
Cantwell	Helms	Shelby
Carnahan	Hollings	Smith (NH)
Carper	Hutchinson	Smith (OR)
Chafee	Hutchison	Snowe
Cleland	Inhofe	Specter
Clinton	Jeffords	Stabenow
Cochran	Johnson	Stevens
Collins	Kennedy	Thomas
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Landrieu	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Domenici	Lott	

#### NOT VOTING—3

Inouye	Nelson (NE)	Nickles
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The bill (H.R. 3525), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF LEGROME D. DAVIS, OF PENNSYLVANIA TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session.

The nomination will be stated.

The legislative clerk read the nomination of Legrome D. Davis, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. LEAHY. Madam President, the confirmation of Judge Legrome Davis to the District Court for the Eastern District of Pennsylvania will be the 17th judge confirmed since the beginning of this session. Under Democratic leadership, in less than 4 months the Senate has confirmed as many judges as were confirmed in all 12 months of the 1996 session under Republican leadership. In fact, included among the 17 judges whom we will have confirmed since January this year are 2 judges to our Courts of Appeals. That stands in sharp contrast to the 1996 session in which the Republican majority did not allow even a single Court of Appeals nominee to be confirmed—not one. I submit that we have already done better in less than 4 months than our predecessors and critics did during the entire 12 months of the 1996 session.

The confirmation of Judge Davis today illustrates the progress being made under Democratic leadership and the fair and expeditious way in which we have considered nominees. Judge Legrome Davis was first nominated to the position of U.S. District Court Judge for the Eastern District of Pennsylvania by President Clinton on July 30, 1998. The Republican-controlled Senate took no action on his nomination and it was returned to the President at the end of 1998. On January 26, 1999, President Clinton renominated Judge Davis for the same vacancy. The Senate again failed to hold a hearing for Judge Davis and his nomination was returned to the President on December 15, 2000, after 2 more years of inaction in a second full Congress while the Senate was controlled by a Republican majority. Under Republican leadership, Judge Davis' nomination languished before the Committee for 868 days without a hearing. Unfortunately, Judge Davis was subjected to the kind of inappropriate partisan rancor that befell so many other nominees to the district courts in Pennsylvania and to the Third Circuit during the years Republicans controlled the Senate. I want to note emphatically, however, that I know personally that the senior Senator from Pennsylvania, Mr. SPECTER, supported Judge Davis's nomination and worked hard to get him a hearing and a vote. The lack of Senate action on Judge Davis's initial nominations are in no way attributable to a lack of

support from the senior Senator from Pennsylvania. Far from it. In fact, I give Senator SPECTER credit for getting President Bush to renominate Judge Davis earlier this year and want to commend him publicly for all he has done to support this nomination from the outset.

This year we have moved expeditiously to consider Judge Davis. Judge Davis was nominated by President Bush in late January 2002, the Committee received his ABA peer review on March 12, he participated in a confirmation hearing the next week on March 19, and he received a unanimous vote by the Judiciary Committee on April 11—less than 3 months after his nomination, and less than 1 month after his paperwork was completed. The saga of Judge Davis recalls for us so many nominees from the period of January 1995 through July 10, 2001, who never received a hearing or a vote and who were the subject of secret anonymous holds by Republicans for reasons that were never explained.

At Judge Davis' recent confirmation hearing Senator SANTORUM testified that Judge Davis did not get a hearing after President Clinton nominated him because local Democrats objected. I was the ranking Democrat on the Judiciary Committee during those years and never heard that before. My understanding at the time, from July 1998 until the end of 2000, was that Judge Legrome Davis would have had the support of every Democrat on the Judiciary Committee and in the Senate. He was not included in the May 2000 hearing for a few other Pennsylvania nominees. His not being included was a part of the discussion on the record, a discussion about unwillingness of some to act on nominees in a presidential election year although Senator SPECTER emphasized his personal commitment to supporting Judge Davis. Senator HATCH never indicated to me that he thought Democratic opposition was the reason he could not include Judge Legrome Davis in a hearing over those 3 years.

Judge Davis has served as a Judge on the Court of Common Pleas in the First Judicial District in Pennsylvania for more than 13 years. Prior to serving as a judge, he had an extensive career litigating criminal cases in State courts. He has participated in numerous task forces and a variety of pro bono projects aimed to improve the judicial system. He is well-qualified and has broad bipartisan support. I know that Judge Davis and his family are glad that this day has finally arrived. I expect that the people served by the Eastern District of Pennsylvania will be happy with the Senate's action today.

Judge Davis will be the 45th judicial nominee to be confirmed since last July when the Senate Judiciary Committee reorganized after the Senate majority changed. With today's vote on Judge Davis, the Senate will confirm its 45th judicial nominee in the less

than 10 months since I became Chairman this past summer. The Senate has confirmed more judges in the last 10 months than were confirmed in 4 out of 6 full years under Republican leadership. The number of judicial confirmations over these past 10 months 45 exceeds the number confirmed during all 12 months of 2000, 1999, 1997 and 1996.

As our action today demonstrates, again, we are moving at a fast pace to fill judicial vacancies with nominees who have strong bipartisan support. Those partisan critics who assert that our rate of confirming President Bush's judicial nominees is bad are ignoring the facts. They willfully confuse the actual "pace," or rate, of confirmation with the misleading percentages they like to construct. The facts are that looking at the number of confirmations in similar time periods shows that we are confirming President Bush's nominees at a faster pace than the nominees of prior presidents, including those who worked closely with a Senate majority of the same political party.

The rate of confirmation in the past 10 months actually exceeds the rates of confirmation in the past three presidencies. For example, in the first 15 months of the Clinton administration, 46 judicial nominees were confirmed, a pace on average of 3.1 per month. In the first 15 months of the first Bush administration, 27 judges were confirmed at a pace of 1.8 judges per month. Likewise, in President Reagan's first 15 months in office, 54 judges were confirmed, a pace of 3.6 per month. In less than 10 months since the shift to a Democratic majority in the Senate in less than two thirds of the time period—President George W. Bush's judicial nominees have been confirmed at a rate of more than 4.5 judges per month, a faster pace than for any of the past 3 Presidents.

During the 6½ years of Republican control of the Senate, judicial confirmations averaged 38 per year a pace of consideration and confirmation that we have already exceeded under Democratic leadership over these past 10 months in spite of all of the challenges facing Congress and the Nation during this period and all of the obstacles Republicans have placed in our path. At the end of today, we have confirmed 45 judicial nominees in just 10 months. This is almost twice as many confirmations as George W. Bush's father had over a longer period—27 nominees in 15—months than the period we have been in the majority in the Senate.

The Republican critics typically compare apples to oranges to mischaracterize the achievements of the last 10 months. They complain that we have not done 24 months of work in the less than 10 months we have been in the majority. That is an unfair complaint. A fair examination of the rate of confirmation shows that Democrats are working harder and faster on judicial nominees, confirming judges at a faster pace than the rates of the past 20 years. The double standards asserted

by Republican critics are just plain wrong and unfair, but that does not seem to matter to Republicans intent on criticizing and belittling every achievement of the Senate under a Democratic majority. I would like to commend the members of the Judiciary Committee and our Majority Leader and Assistant Majority Leader for all of their hard work in getting us to this point. The confirmation of the 45th judge in less than 10 months, especially these last 10 months, in spite of the unfair and personal criticism to which they have each been subjected, is an extraordinary achievement and a real example of Senators acting in a bipartisan way even when the other side makes it as difficult as possible.

Republicans have been imposing a double standard on circuit court vacancies as well. The Republican attack is based on the unfounded notion that the Senate has not kept up with attrition on the Courts of Appeals. Well, the Democratic majority in the Senate has more than kept up with attrition, and we have been acting to close the vacancies gap on the Courts of Appeals that more than doubled under the Republican majority.

Just this week, the Senate confirmed Judge Terrence O'Brien to the United States Court of Appeals for the Tenth Circuit by a vote of 98 to zero. His confirmation was the eighth circuit court nominee to be confirmed in the almost 10 months since I became Chairman this past summer. Just today, the Senate Judiciary Committee voted on the 11th Court of Appeals nominee to come before the Committee in less than 10 months. Thus, another Court of Appeals nominee is already on the Senate Executive Calendar and being scheduled for floor action.

In a little less than 10 months since the change in majority, the Senate has confirmed 8 judges to the Courts of Appeals and held hearings on 3 others. In contrast, the Republican-controlled majority averaged only 7 confirmations to the Courts of Appeals per year. Seven. In the less than 10 months the Democrats have been in the majority, we have already exceeded the annual number of Court of Appeals judges confirmed by our predecessors. The Senate in the last 10 months has confirmed as many Court of Appeals judges as were confirmed in all of 2000 and more than were confirmed in 1997 or 1999, and 8 more than the zero from 1996. Another way to put it is that within the last 10 months, the Democratic majority in the Senate has confirmed as many Court of Appeals judges as were confirmed in the 2000 and 1996 sessions combined and confirmed more Court of Appeals judges than were confirmed in the 1999 and 1996 sessions combined or in the 1997 and 1996 sessions combined.

The Republican majority assumed control of judicial confirmations in January 1995 and did not allow the Judiciary Committee to be reorganized after the shift in majority last summer until July 10, 2001. During that period

from 1995 through July 10, 2001, vacancies on the Courts of Appeals increased from 16 to 33, more than doubling.

When I became chairman of a Committee to which Members were finally assigned on July 10, we began with 33 Courts of Appeals vacancies. That is what I inherited. Since the shift in majority last summer, 5 additional vacancies have arisen on the Courts of Appeals around the country. With this week's confirmation of Judge O'Brien, we have reduced the number of circuit court vacancies to 30. That is, we have kept up with attrition by confirming 5 Court of Appeals judges and then acted to lower the number of vacancies by already confirming 3 additional judges. Those are the facts.

Since our Republican critics are so fond of using percentages, I will say that we will have now reduced the vacancies on the Courts of Appeals by almost 10 percent in the last 10 months. In other words, by confirming 3 more nominees than the 5 required to keep up with the pace of attrition, we have not just matched the rate of attrition, but surpassed it by 60 percent. I add this facetiously to show how ridiculous their use of percentages is in this setting.

Rather than the 38 vacancies that would exist if we were making no progress, as some have asserted, there are now 30 vacancies—that is more than keeping up with the attrition on the Circuit Courts. Republican critics unfairly seek to attribute to the Democratic majority the lack of action by the Republican majority before the historic change last summer.

While the Republican Senate majority increased vacancies on the Courts of Appeals by over 100 percent, it has taken the Democratic majority less than 10 months to reverse that trend, keep up with extraordinary turnover and, in addition, reduce circuit court vacancies overall. This is progress. Rather than having the circuit vacancy numbers skyrocketing, as they did overall during the prior 6½ years—more than doubling from 16 to 33—the Democratic-led Senate has reversed that trend. The vacancies numbers are moving in the right direction—down.

It is not possible to repair the damage caused by longstanding vacancies in several circuits overnight, but we are improving the conditions in the 5th, 10th and 8th Circuits, in particular. The confirmation of Judge O'Brien this week made the second judge confirmed to the 10th Circuit in the last 4 months. Next week we will proceed with a nominee to the 6th Circuit.

Overall, in little less than 10 months, the Senate Judiciary Committee has held 16 hearings involving 55 judicial nominations. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. In contrast, one-sixth of President Clinton's judicial nominees—more than 50—never got a Committee hearing and Committee vote from the Republican majority, which perpetuated

longstanding vacancies into this year. Vacancies continue to exist on the Courts of Appeals in large part because a Republican majority was not willing to hold hearings or vote on more than half—56 percent—of President Clinton's Court of Appeals nominees in 1999 and 2000, and was not willing to confirm a single judge to the Courts of Appeals during the entire 1996 session.

Despite the new-found concern from across the aisle about the number of vacancies on the circuit courts, no nominations hearings were held while the Republicans controlled the Senate in the 107th Congress last year. No judges were confirmed during that time from among the many qualified circuit court nominees received by the Senate on January 3, 2001, or from among the nominations received by the Senate on May 9, 2001.

The Democratic leadership acted promptly to address the number of circuit and district vacancies that had been allowed to grow when the Senate was in Republican control. The Judiciary Committee noticed the first hearing on judicial nominations within 10 minutes of the reorganization of the Senate, and held that hearing on the day after the Committee was assigned new members.

That initial hearing included a Court of Appeals nominee on whom the Republican majority had refused to hold a hearing the year before. We held unprecedented hearings for judicial nominees during the August recess. Those hearings included a Court of Appeals nominee who had been a Republican staff member of the Senate. We proceeded with a hearing the day after the first anthrax letter arrived at the Senate. That hearing included a Court of Appeals nominee. In a little less than 10 tumultuous months, the Senate Judiciary Committee has held 16 hearings involving 55 judicial nominations—including 11 circuit court nominees—and we are planning to hold another hearing next week for half a dozen more nominees, including another Court of Appeals nominee. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. The Republican majority never held 16 judicial confirmation hearings in 12 months and we have to do so in less than 10 months.

The Senate Judiciary Committee is holding regular hearings on judicial nominees and giving nominees a vote in Committee, in contrast to the practice of anonymous holds and other obstructionist tactics employed by some during the period of Republican control. The Democratic majority has reformed the process and practices used in the past to deny Committee consideration of judicial nominees. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

I do not mean by my comments to appear critical of Senator HATCH. Many

times during the 6½ years he chaired the Judiciary Committee, I observed that, were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

I hope to hold additional hearings and make additional progress on judicial nominees. In our efforts to address the number of vacancies on the circuit and district courts we inherited from the Republicans, the Committee has focused on consensus nominees for all Senators. In order to respond to what Vice President CHENEY and Senator HATCH now call a vacancy crisis, the Committee has focused on consensus nominees. This will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible.

Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our nation.

The Committee continues to try to accommodate Senators from both sides of the aisle. The Court of Appeals nominees included at hearings so far this year have been at the request of Senator GRASSLEY, Senator LOTT, Senator SPECTER, Senator ENZI and Senator SMITH from New Hampshire—five Republican Senators who each sought a prompt hearing on a Court of Appeals nominee who was not among those initially sent to the Senate in May 2001. Next week's hearing will continue that effort and include a Court of Appeals nominee from Tennessee at the request of Senator THOMPSON.

Each of the 45 nominees confirmed by the Senate has received the unanimous, bipartisan backing of the Committee. Only Judge Roger Gregory has had a single vote cast against his confirmation in all of the Senate votes on all of these nominees. The confirmation of Judge Davis is the 45th judicial nominee to be confirmed since I became Chairman last July. Like Judge Roger Gregory, this is the confirmation of a qualified nominee who could not get a hearing when the Republican majority controlled the Senate. I had hoped that at the end of the day, justice would be done. I am glad that this is that day, and that at the end of today Judge Davis will also have been considered and confirmed. These consensus nominees could and should have been acted upon before this year. I thank Judge Davis for his commitment

and patience, and congratulate him and his family on this important day.

Mr. HATCH. Madam President, I rise in support of the confirmation of Judge Legrome Davis to the U.S. District Court for the Eastern District of Pennsylvania.

Judge Davis' nomination is yet another example of President Bush's bipartisan approach to judicial nominations. This is the second time, Judge Roger Gregory being the first, that this administration has renominated a candidate who was originally nominated by the previous administration. It is a rarity for a new administration to renominate a previous administration's judicial nominees, especially when the two administrations are of different parties. Clearly, the President is leading by example when he calls upon the Senate to rise above petty partisanship and provide fair hearings and prompt votes to every judicial nominee regardless of what party controls the White House or the Senate.

I have had the pleasure of reviewing Judge Davis' distinguished legal career, and I have come to the conclusion that he is a fine Pennsylvania State judge who will only add to the distinguished Federal bench in the Eastern District of Pennsylvania.

Judge Davis graduated from Princeton University and Rutgers-Camden School of Law. After graduation, he joined the Office of the District Attorney of Philadelphia as an Assistant District Attorney in the Law and Trial Divisions. Eventually, he rose to become Assistant Chief of Narcotics and then Chief of the Rape Unit.

One of the many examples of his fine character revolves around a defendant's rape conviction before Judge Davis led the D.A.'s Rape Unit. Upon examination of new evidence, it became clear that the alleged victim, in the case, suffered from paranoid schizophrenia and had hallucinated the criminal episode. The investigation that freed the defendant was conducted by Davis.

His record of rulings before the appellate courts is equally as impressive. Judge Davis has filed approximately 150 cases, of which only 3 were overturned on appeal—and the Pennsylvania Supreme Court reinstated his decision in one of those cases.

Judge Davis has been a champion in reforming the Philadelphia court system. He helped author and was an early proponent of Philadelphia's differentiated case management system. This system, which groups defendants with similar case dispositions into one of four "tracks," has resulted in a 47 percent reduction in the Felony-Waiver Unit's pending inventory.

I am very pleased that we will confirm Judge Davis today.

Mr. SPECTER. Madam President, in January 2002, Judge Legrome Davis was nominated by President Bush to serve on the United States District Court, Eastern District of Pennsylvania.

The American Bar Association rated Judge Davis as well-qualified for a judgeship on the United States District Court for the Eastern District of Pennsylvania.

Judge Davis presently serves on the Court of the Common Pleas of Philadelphia County, a position he has held since 1987.

From 1992 until January 2001, Judge Davis served as the Supervising Judge of the Criminal Division, with principal responsibility for all issues of policy, planning and administration involving criminal case processing.

During his tenure as Supervising Judge, numerous city, state and federal funding authorities awarded the First Judicial District more than nineteen million dollars to support supervisory endeavors for defendants developed by Judge Davis and administered under his direction.

He is the Coordinator of the Female Offenders' Criminal Justice Treatment Network, a collaborative project linking the criminal justice and treatment communities in addressing the complex and special challenges of women in the criminal justice system.

Judge Davis was integral in conceptualizing and implementing the court reforms which were integral to the suspension of the federal prison cap in 1995.

Previously he worked for Ballard, Spahr, Ingersoll & Andrews, and the Office of the General Counsel of the University of Pennsylvania. He was also an Assistant District Attorney for nine years, serving in the Homicide, Narcotics, and Career Criminal Units, and was the Chief of the Rape Prosecution Unit when he left office to seek a state court judgeship.

He has been honored by the Pennsylvania Trial Judges Association "Golden Crowbar Award, the Philadelphia Common Pleas Court Board of Judges Exceptional Service Award, the Philadelphia Bar Association; Thurgood Marshall Award, the Philadelphia Coalition for Victim Advocacy; Victim Advocacy Award and the Fraternal Order of Police Honorary Lifetime Membership—Lodge 92.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, if I could announce to colleagues, this is the last vote tonight. There will not be any votes tomorrow. The Senate will not be in session tomorrow, and there will be no rollcall votes on Monday. The next rollcall vote will occur sometime Tuesday morning.

I thank my colleagues. Have a good evening and a good weekend.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Legrome D. Davis, to be United States District Judge for the Eastern District of Pennsylvania? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUE), and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

Mr. LOTT. I announce that the Senator from Oklahoma (Mr. NICKLES), the Senator from Missouri (Mr. BOND), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 76 Ex.]

YEAS—94

Akaka	Durbin	Lugar
Allard	Edwards	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Mikulski
Bayh	Feingold	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Frist	Nelson (FL)
Breaux	Graham	Reed
Brownback	Gramm	Reid
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Cantwell	Hatch	Sessions
Carnahan	Helms	Shelby
Carper	Hollings	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cleland	Hutchison	Snowe
Clinton	Inhofe	Specter
Cochran	Jeffords	Stabenow
Collins	Johnson	Stevens
Conrad	Kennedy	Thomas
Corzine	Kerry	Thompson
Craig	Kohl	Thurmond
Crapo	Kyl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Domenici	Lincoln	
Dorgan	Lott	

NOT VOTING—6

Bond	Inouye	Nickles
Boxer	Nelson (NE)	Roberts

The nomination was confirmed.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

The majority leader.

#### WISHING MARY JANE OGILVIE A FULL RECOVERY

Mr. DASCHLE. Madam President, I wanted to come to the floor before the end of the day to alert our colleagues on a matter about which I know they would all be concerned. Mary Jane Ogilvie, wife of our Chaplain, a very treasured member of our Senate family, is battling bacterial pneumonia this week. She is in an area hospital and in serious but stable condition.

Dr. Ogilvie and his children are, of course, with her as they have been

throughout this ordeal. Dr. Ogilvie has been our Chaplain now for 7 years, since 1995, and over the years he has been the source of real strength for many of us in times of sorrow, in times of difficulty. Especially these last difficult months, we have relied on his wise and compassionate counsel over and over again. Now it is our turn to be the source of strength for him, for Mrs. Ogilvie, and for their family.

The Chaplain's Office asked that we not send flowers because they are not permitted in intensive care, but if you believe in prayer, they say, please pray for Mrs. Ogilvie. We will certainly do so.

We want to extend—I know on behalf of all Senators, Republican and Democratic—our sincere best wishes for a complete and full recovery. We wish her strength, and we want her to know that our thoughts and prayers are with her tonight and will continue to be with her until she returns to good health.

I just talked to Dr. Ogilvie this afternoon. He has informed me that the prognosis is improving. We hope that that will be the case throughout the weekend. We wanted to make note of this at this time.

I know my colleague, the distinguished Republican leader, has also had a conversation with Dr. Ogilvie, and to accommodate his words at this time, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. I thank Senator DASCHLE for making our colleagues and those who follow the situation in the Senate aware of the struggle our Chaplain is going through now. He has been a chaplain and a minister for all of us.

As Senator DASCHLE said, each one of us has had moments of difficulty over the past 7 years. He is always there. Just recently, when my wife lost her father, she didn't get to talk to Dr. Ogilvie, but he left a message on the recorder. It was like a message from heaven, just magnificent; so meaningful, my wife saved it and listened to it more than once.

So at this time when our Chaplain is facing difficulty, certainly we need him to know of our thoughts and our prayers. When I spoke to him, I told him that I believe in miracles and that his wife can pull through this and rejoin the Senate family.

Mary Jane is very much a part of the family. She attends events; she goes with our Chaplain so many places. She is his helpmate. As I spoke with him a few minutes ago, I could just feel it in his voice; he is just really so worried.

I join Senator DASCHLE and all of the Senate in extending to them our love and our thoughts and prayers. We look forward to continuing to follow her improvements. We have the Senate physician, Dr. Frist, on the job. He is keeping us posted of how she is doing. We will be thinking about them over the next weekend and look forward to them being back in full form and with